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**RESPONSE UNDER 37 C.F.R. § 1.116**  
**Expedited Examination Procedure**  
**Examining Group 2872**

PATENT  
ATTORNEY DOCKET NO. 045070-5032

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                            |   |                          |
|----------------------------|---|--------------------------|
| In re Application of:      | ) |                          |
|                            | ) |                          |
| Yumiko OUCHI               | ) | Confirmation No. 2964    |
|                            | ) |                          |
| Application No. 09/748,196 | ) | Group Art Unit: 2872     |
|                            | ) |                          |
| Filed: December 27, 2000   | ) | Examiner: Lee A. Fineman |
|                            | ) |                          |
| For: STEREOMICROSCOPE AND  | ) |                          |
| TRANSMISSION ILLUMINATION  | ) |                          |
| APPARATUS                  | ) |                          |

**Mail Stop AF**  
Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

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Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Final Office Action dated July 3, 2003 (Paper No. 14), and pursuant to 37 C.F.R. §1.116.
2. Additional papers enclosed:
  - ☐ Submission of Replacement Drawings (with Figures attached)
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ reference included
  - ☐ Verification of a Translation (with attached English Translation of priority document).

11/06/2003 AWONDAF1 00000044 500310 09748196

02 FC:1251 110.00 DA

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months<br/>Requested</u>             | <u>Fee for<br/>Extension</u> | <u>[Fee for<br/>Small Entity]</u> |
|---|------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> one month | \$ 110.00                    | \$ 55.00                          |
| <input type="checkbox"/> two months           | \$ 420.00                    | \$ 210.00                         |
| <input type="checkbox"/> three months         | \$ 950.00                    | \$ 475.00                         |
| <input type="checkbox"/> four months          | \$ 1,480.00                  | \$ 740.00                         |

Extension of time fee due with this request: \$ 110.00.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED                                     |   |       |                                |                  |              |            |
|---|---|-------|--------------------------------|------------------|--------------|------------|
|   | Claims<br>Remaining<br>After<br>Amendment |       | Highest No.<br>Previously Paid | Present<br>Extra | at Rate of   | Total Fees |
| Total Claims<br>(37 C.F.R. §1.16(c))                  | 10  | minus | 20                             | 0                | x \$18 each= | + \$0.00   |
| Independent Claims<br>(37 C.F.R. §1.16(b))            | 8   | minus | 4                              | 4                | x \$86 each= | + \$344.00 |
| [ ] First presentation of Multiple dependent claim(s) |   |       |                                |                  | \$280.00     | + \$0.00   |
| SUB-TOTAL =   |   |       |                                |                  |              | \$344.00   |
| Reduction by ½ for filing by a small entity           |   |       |                                |                  |              | - \$0.00   |
| TOTAL FEE =   |   |       |                                |                  |              | \$344.00   |

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge the fee of **\$ 454.00** (representing **\$ 344.00** for four additional independent claims and **\$ 110.00** for one-month extension of time) to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: November 3, 2003

By: Baldine Brunel Paul  
Registration No. 54,369

Customer No. 09629

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Examining Group 2872

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ATTORNEY DOCKET NO. 045070-5032

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11/24/03

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In re Application of:

Yumiko OUCHI

Application No. 09/748,196

Filed: December 27, 2000

For: STEREOMICROSCOPE AND  
TRANSMISSION ILLUMINATION  
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Confirmation No. 2964

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Sir:

**AMENDMENT UNDER 37 C.F.R. § 1.116**

In response to the Final Office Action dated July 3, 2003 (Paper No. 14), the period for response to which has been extended through November 3, 2003, by the request for a one-month extension of time and fee filed concurrently herewith, and pursuant to 37 C.F.R. §1.116, entry of the following amendment is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.

11/06/2003 AWONDAF1 00000044 500310 09748196

01 FC:1201 344.00 DA